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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,193	01/27/2005	Sheng Mei Shen	2005_0013A	8792
52349 7590 12/10/2007 WENDEROTH, LIND & PONACK L.L.P. 2033 K. STREET, NW SUITE 800 WASHINGTON, DC 20006			EXAMINER CERVETTI, DAVID GARCIA	
			ART UNIT 2136	PAPER NUMBER
			MAIL DATE 12/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/523,193	SHEN ET AL.	
	Examiner	Art Unit	
	David García Cervetti	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/27/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-8 are pending and have been examined.

Claim Objections

2. Claim 1 is objected to because of the following informalities: "DII" must be spelled out. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrases "especially", "etc" render the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 5, the phrase "could be" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. **Claims 1-6 and 8 are rejected under 35 U.S.C. 102(a) as being anticipated by Rambhia (US Patent Application Publication 2002/0156712).**

Regarding claim 1, Rambhia teaches

- A Methods of Digital Content Protection with Digital Rights Expression **(par. 58, structured language)**, comprising the following steps of:
- Parsing a digital content description, especially parsing a DID (Digital Item Declaration) in MPEG-21 scope **(par. 58, structured language)**;
- Retrieving a digital content identifier (content ID) which is used to identify the said digital content, especially a DII in MPEG-21 scope, or sub content identifier **(fig. 4, content identification)**;
- Detecting a rights and protection description holder which contains rights and protection information applied to the said digital content with the corresponding content ID, and here the holder called IPMP (Intellectual Property Management and Protection) Control Graph Holder or REL (Rights Expression Language)-IPMP Control Graph holder **(fig. 4, license data)**;

- Retrieving a flag from the said holder which indicates if the said content is protected or belongs to free content (**fig. 7, class_code includes security levels and can be null**);
- Processing the description information carried in the said IPMP Control Graph or REL-IPMP Control Graph (**fig. 4, license data is parsed / interpreted**);
- Checking if rights descriptions or other metadata description is digital signed by retrieving a flag which is attached to the said rights or other metadata; and if it is signed, preparing the corresponding digital signing tool which is indicated by ToolID (**fig. 7, fingerprint data**);
- retrieving a key license from a protected License Manager (**par. 41-45, license retrieval, License Manager**);
- Checking the integrity of the said rights or metadata using the said digital signing tool (**fig. 7, fingerprint data**);
- Parsing the said rights with their conditions following the rules which is pre-defined, especially following REL rules which is defined in MPEG-21 scope, and storing the said entitled rights and conditions in a buffer for future checking (**par. 17-18, IPMP dynamically protects content**);
- Checking if the said content is encrypted by retrieving a flag which is attached to the said content; and if it is encrypted, preparing the corresponding encryption tool which is indicated by ToolID (**pars. 76-77, encryption algorithm specified**);

- Un-protecting the said encrypted content using the said encryption tool with the said ToolID, and other information (**pars. 76-77, decryption algorithm specified**);
- Checking if the said content is watermarked by retrieving a flag which is attached to the said content; and if it is watermarked, preparing the corresponding watermarking tool which is indicated by ToolID for further action (**pars. 76-77, watermarking, fig. 8, toolID**);
- Processing user's request against the said entitled rights and conditions stored in the buffer (**pars. 88-92, playing back content**);
- Exercising the rights requested by the said user if it is entitled (**pars. 36-37, user's request processing**), and
- Acting on the said un-protected content for playing, rendering, recording, modifying, deleting, adapting, etc. (**pars. 36-37, user's request processing**).

Regarding claim 2, Rambhia teaches whereas Un-protecting the said encrypted content using the said encryption tool with the said ToolID, and other information in claim 1, further comprising the following steps Retrieving the key information from KeyData holder in the said IPMP Control Graph or REL-IPMP Control Graph directly or the location pointed by a pointer which is placed in IPMP Control Graph or REL-IPMP Control Graph, and Retrieving a key license from a protected License Manager (**par. 41-45, license retrieval, License Manager**).

Regarding claim 3, Rambhia teaches whereas Retrieving a key license from a protected License Manager in claim 2, further comprising the following steps of protecting the said Licence Manager using Temper Resistant approach, and Protecting the buffer which is used to store the said retrieved and generated key license, and the said buffer could be Temper Resistant protected (**par. 41-45, license retrieval, License Manager, keys from License Manager to Data Unlocking Mgr**).

Regarding claim 4, Rambhia teaches whereas Parsing the said rights with their conditions following the rules which is pre-defined, especially following REL rules which is defined in MPEG-21 scope, and storing the said entitled rights and conditions in a buffer for future checking in claim 1, further comprising the following steps of. Protecting the said Rights Parser or part of the said Rights Parser using Temper Resistant approach or other approach, and Protecting the said buffer using Temper Resistant approach or other approaches (**par. 41-45, license retrieval, License Manager, keys from License Manager to Data Unlocking Mgr**).

Regarding claim 5, Rambhia teaches whereas Checking if rights descriptions or other metadata description is digital signed by retrieving a flag which is attached to the said rights or other metadata; and if it is signed, preparing the corresponding digital signing tool which is indicated by ToolID in claim 1, here the other metadata description could be DIA (Digital Item Adaptation) in MPEG-21 scope, or other types of metadata, which could be protected and the protection description information is placed in the said IPMP Control Graph or REL-IPMP Control Graph (**par. 41-45, license retrieval, License Manager, keys from License Manager to Data Unlocking Mgr**).

Regarding claim 6, Rambhia teaches whereas in claim 1 encryption and decryption could be done using a defined tool as default with a defined ToolID in certain application domain, digital signing could be done using a defined tool as default with a defined ToolID in certain application domain, and other protection such as watermarking could be done by defining an interface or API to achieve flexibility (**pars. 115-117, toolID DESDecrypt**).

Regarding claim 8, Rambhia teaches whereas in claim 1 the said REL-IPMP Control Graph means to extend the existing REL of MPEG-21 or other rights expression language to contain protection description information, where IPMPX is defined as the flag used to represent the extension part of protection from the existing REL (**par. 52-65, XML syntax, extensible syntax**).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rambhia.**

Regarding claim 7, Rambhia does not expressly disclose whereas in claim 1 the operation of un-protecting a content could be done in DIP (Digital Item Processing) Engine as defined in DIME (Digital Item Method Engine), or DIBO (Digital Item Base Operation), or DIXO (Digital Item eXtended Operation), however, Rambhia teaches

using the MPEG-2 specs, which include the features claimed above (**par. 8-9, MPEG**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to perform the unprotection according to other methods. One of ordinary skill in the art would have been motivated to perform such a modification to provide additional functionality and make the system of Rambhia compatible with additional specifications (**Rambhia, pars. 14-15**).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David García Cervetti whose telephone number is (571)272-5861. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on (571)272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David García Cervetti/